United States District Court
For the Northern District of California

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6   IN THE UNITED STATES DISTRICT COURT

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8   FOR THE NORTHERN DISTRICT OF CALIFORNIA

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10   ORACLE AMERICA, INC.,   No. C 10-03561 WHA

11   Plaintiff,

12   v.   **ORDER GRANTING IN PART
                                                      AND DENYING IN PART**
13   GOOGLE INC.,   **MOTIONS TO SEAL**

14   Defendant.

15   _____/

16   Both parties move to seal documents submitted in support of their recent *Daubert* briefs

17   (Dkt. Nos. 717, 727, 733, 736, 750, 761, 772).

18   For Google's motion filed February 17 (Dkt. No. 717), the request to seal pages 161 and

19   162 of Exhibit A and Exhibits H, I, J, and K to the Zimmer declaration, and portions of the brief

20   referencing these documents is **GRANTED**. These documents contain sensitive, non-public

21   financial and technical data relating to Oracle's source code, and sensitive non-public information

22   about business operations. Public disclosure of this confidential information would cause harm to

23   Oracle, and place it at a competitive disadvantage. The remainder of the request is **DENIED** for

24   lack of a supporting declaration.

25   For Oracle's motions filed February 24 (Dkt. Nos. 727, 733, 736), the request to seal

26   Exhibits E, G, and H to the Norton declaration, Exhibits D, E, G, and H of the Richardson

27   declaration, and portions of the briefs referencing these documents is **GRANTED**. These

28   documents contain sensitive, non-public financial and technical data relating to Oracle's source

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1   code, and sensitive non-public information about business operations, such as company strategies,

2   code names, and identities of engineers who conduct infringement analyses. Public disclosure of

3   this confidential information would cause undue harm to Oracle, and place it at a competitive

4   disadvantage. The remainder of the request is **DENIED** for lack of a supporting declaration.

5   For Google's motion filed February 28 (Dkt. No. 750), the request to seal portions of the

6   deposition of Dr. Ian Cockburn, Google's reply brief, and portions of Exhibits A, B, C, D, and E

7   of the Mullen declaration, referenced in the Temkin declaration (Dkt. No. 772) is **GRANTED**.

8   These documents contain sensitive, non-public financial and technical data relating to Oracle's

9   source code, and sensitive non-public information about business operations. Public disclosure of

10   this confidential information would cause undue harm to Oracle, and place it at a competitive

11   disadvantage. The remainder of the request is **DENIED** for lack of a supporting declaration.

12   For the parties' motions filed March 2 and 6 (Dkt. No. 761, 772), the request to seal

13   Exhibit F to the Zimmer declaration and portions of the briefs referencing this document is

14   **GRANTED**. This information is highly sensitive and subject to separate confidentiality

15   agreements with third parties. Failure to maintain the confidentiality of the information, which

16   Oracle has promised those third parties it will protect, could possibly lead to their refusal to sell

17   Oracle industry data in the future, and could cause competitive harm as Oracle's competitors

18   learn the sensitive post acquisition accounting processes, which may impact Oracle's decision to

19   enter into a multibillion-dollar merger and acquisition transaction.

20   The parties shall file under seal the items allowed to be sealed in this order. Redacted

21   versions and documents in which the motions are denied shall be publicly filed.

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23   **IT IS SO ORDERED.**

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25   Dated: March 13, 2012.

                                            _____
26   WILLIAM ALSUP
                                            UNITED STATES DISTRICT JUDGE
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